IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 613 OF 2007
IN
CONTEMPT PETITION NO. 49 OF 2006
IN
APPEAL NO. 6 OF 2005
IN
NOTICE OF MOTION NO. 1407 OF 2002
IN
SUIT NO. 648 OF 1986

Mohamed Hussain ....Appellant

versus

Mohammed Hussain Khairandish .... Respondent

Mr. R.L. Tolat, instructed by Mrs. Jyoti Chavan, for the appellant.
Mr. Rashid Khan with Ms. T. Zaidy, instructed by M/s. Zaidy & Co., for the respondent.
Mr. V.G. Rane, S.O., Office of Court Receiver, present.

CORAM: **SWATANTER KUMAR, C.J.** &
DR. D.Y. CHANDRACHUD, J.

DATE: **SEPTEMBER 17, 2007**.

P.C.

The appellant has filed the present appeal against the order passed by the learned single Judge on 20th June, 2007, in Contempt Petition No. 49 of 2006 arising in Suit No. 648 of 1986. By this order, the Court found the appellant guilty of contempt in not

complying with the orders of Court and depositing the amount directed by the Court. However, it was stated in the said order that the appellant would deposit the amount of Rs. 3,04,000/- with the Prothonotary and Senior Master of this Court with interest and that he would comply with the same within twelve weeks from the date of the order. While noticing the said statement of the appellant, the Court directed that the order imposing sentence was suspended for a period of twelve weeks from the date of passing of the order and if the amounts are deposited in terms of the order with 9 per cent interest, the sentence shall stand cancelled.

2. The period of twelve weeks admittedly was to expire on 12th September, 2007. The appellant has deposited the amount of Rs. 3,68,615/- on 11th September, 2007, with the Prothonotary and Senior Master. It is further stated before us that out of the total amount of Rs. 3,72,400/-, after deducting the amount deposited, the balance amount of Rs.3,785/- would be deposited positively within one week from today. Upon deposit of this amount, it shall be treated as compliance to the order of the learned single Judge impugned in the present appeal.

3. In view of the above, the present appeal does not survive and is accordingly disposed of. The parties are directed to bear their own costs.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.